

1 BRIAN M. BOYNTON
Acting Assistant Attorney General
2 ALEXANDER K. HAAS
Director, Federal Programs Branch
3 ANTHONY J. COPPOLINO
Deputy Director, Federal Programs Branch
4 ANDREW I. WARDEN (IN #23840-49)
Senior Trial Counsel
5 U.S. Department of Justice
6 Civil Division, Federal Programs Branch
7 1100 L Street, NW
Washington, D.C. 20530
8 Tel.: (202) 616-5084
Fax: (202) 616-8470
9 *Attorneys for Defendants*

10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **OAKLAND DIVISION**

13 STATE OF CALIFORNIA, *et al.*,
14 Plaintiffs,
15 v.
16 JOSEPH R. BIDEN, JR., *et al.*,
17 Defendants.

18 SIERRA CLUB, *et al.*,
19 Plaintiffs,
20 v.
21 JOSEPH R. BIDEN, JR., *et al.*,
22 Defendants.
23
24

No. 4:19-cv-00872-HSG
No. 4:19-cv-00892-HSG
No. 4:20-cv-01494-HSG
No. 4:20-cv-01563-HSG

JOINT STATUS REPORT

25 In accordance with the Court's Order of September 13, 2021, Plaintiffs and Defendants
26 submit the following joint status report addressing proceedings in the above-captioned cases.

27 The parties remain in active settlement discussions and request that the Court continue the
28

1 stay of these cases for 90 days. On November 19, 2021, Magistrate Judge Ryu conducted a five-
 2 hour settlement conference focused on the State Plaintiffs' request for relief related to the
 3 diversion of Department of Defense funds for border wall construction and Defendants' plans to
 4 remediate the impacts of prior border wall construction activities. Following the settlement
 5 conference, the parties exchanged additional information at Judge Ryu's request.

6 The parties believe that their settlement discussions in these complex matters are
 7 progressing forward in good faith. The parties agree that the interests of party and judicial
 8 economy would be furthered by allowing the parties to continue these ongoing discussions with
 9 the goal of reaching a mutually-agreeable resolution without the need for further litigation. The
 10 parties propose to file another joint status report in 90 days.

11
 12 DATE: December 13, 2021

Respectfully submitted,

13 BRIAN M. BOYNTON
 14 Acting Assistant Attorney General

15 ALEXANDER K. HAAS
 16 Director, Federal Programs Branch

17 ANTHONY J. COPPOLINO
 18 Deputy Director, Federal Programs Branch

19 /s/ Andrew I. Warden
 20 ANDREW I. WARDEN
 21 Senior Trial Counsel (IN Bar No. 23840-49)
 22 MICHAEL J. GERARDI
 23 Trial Attorneys
 24 U.S. Department of Justice
 25 Civil Division, Federal Programs Branch
 26 1100 L Street, NW
 27 Washington, D.C. 20530
 28 Tel.: (202) 616-5084
 Fax: (202) 616-8470
 E-Mail: Andrew.Warden@usdoj.gov

Counsel for Defendants

1 DROR LADIN*
2 NOOR ZAFAR*
3 HINA SHAMSI*
4 OMAR C. JADWAT*
5 AMERICAN CIVIL LIBERTIES UNION
6 FOUNDATION
7 125 Broad Street, 18th Floor
8 New York, NY 10004
9 Tel: (212) 549-2660
10 dladin@aclu.org
11 hshamsi@aclu.org
12 ojadwat@aclu.org
13 nzafar@aclu.org

14 /s/ Cecilia D. Wang
15 CECILLIA D. WANG (SBN 187782)
16 AMERICAN CIVIL LIBERTIES UNION
17 FOUNDATION
18 39 Drumm Street
19 San Francisco, CA 94111
20 Tel: (415) 343-0770
21 cwang@aclu.org

22 SANJAY NARAYAN (SBN 183227)**
23 GLORIA D. SMITH (SBN 200824)**
24 SIERRA CLUB ENVIRONMENTAL
25 LAW PROGRAM
26 2101 Webster Street, Suite 1300
27 Oakland, CA 94612
28 Tel: (415) 977-5772
sanjay.narayan@sierraclub.org
gloria.smith@sierraclub.org

*Attorneys for Plaintiffs in
4:19-cv-00892-HSG and
4:20-cv-01494-HSG*

*Admitted *pro hac vice*

**Attorneys for Plaintiff Sierra Club only

ROB BONTA
Attorney General of California
ROBERT W. BYRNE
MICHAEL L. NEWMAN
EDWARD H. OCHOA
Senior Assistant Attorneys General
MICHAEL P. CAYABAN
JAMES F. ZAHRADKA II
Supervising Deputy Attorneys General
JANELLE M. SMITH

/s/ James E. Richardson
JAMES E. RICHARDSON
Deputy Attorney General
1515 Clay St., Suite 2000
Oakland, CA 94612
Tel.: (510) 879-0285
E-mail: James.Richardson@doj.ca.gov

*Attorneys for Plaintiff State of
California in 4:19-cv-00872-HSG and
4:20-cv-01563-HSG*